



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Division of Health Care Finance and Policy
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NOTICE OF PUBLIC HEARING

Pursuant to the provisions of M.G.L. c. 118G and in accordance with M.G.L. c. 30A, as amended, the Division of Health Care Finance and Policy ("Division") will hold a public hearing on Tuesday, September 29, 2009 at 10:00 AM at Two Boylston Street, Boston, MA 02116 relative to the adoption of amendments to:

114.5 CMR 12.00: Nursing Facility User Fee

The amendments increase the nursing facility user fee in accordance with the requirements of Section 118 of Chapter 27 of the Acts of 2009, the FY 2010 budget. That section requires that the nursing home assessment established by subsection (b) of section 25 of M.G.L. c. 118G be sufficient in the aggregate to generate \$220,000,000 in fiscal year 2010.

Effective September 1, 2009, the user fee that nursing facilities must pay for each non-Medicare patient day will increase. For Class 1 facilities, the fee will increase from \$11.59 to \$19.17. For Class 2 and 3 homes, as defined in 114.5 CMR 12.00, the fee will increase from \$1.16 per day to \$1.92 per day.

The Division adopted these amendments on an emergency basis to comply with the requirements of the statute. Annual aggregate nursing facility user fee revenue will increase by \$75 million as a result of these amendments.

Interested parties are encouraged to submit comments on these amendments. All persons desiring to be heard on this matter are hereby notified to appear at the designated time and place. Persons intending to speak will be afforded an early opportunity to testify if the Division receives notice by 5 PM on Monday, September 28, 2009. All others will be heard subsequently. Written comments may be sent to Two Boylston Street, Boston MA 02116. Copies of the regulation are available for inspection and/or purchase at the Division of Health Care Finance and Policy, Two Boylston Street, Boston MA 02116 or you can access them free of charge in the Regulations section of the Division's web site located at www.mass.gov/dhcfp.